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ACACIA MEDIA TECHNOLOGIES CORPORATION

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

In re ACACIA MEDIA TECHNOLOGIES CORPORATION,	Case No.05 CV 01114 JW **DECLARATION OF ALAN P. BLOCK IN SUPPORT OF PLAINTIFF ACACIA MEDIA TECHNOLOGIES CORPORATION'S MOTION FOR ADMINISTRATIVE LEAVE TO VACATE THE OPPOSITION AND REPLY DATES RE DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT ON SECTION 112 ISSUES** **(CIVIL L.R. 7-11)** DATE: N/A TIME: N/A CTRM: Ctrm 8, 4th Floor JUDGE: Hon. James Ware

Dockets.Justia.com

I, Alan P. Block, hereby declare as follows:

1. I am a member of the law firm of Hennigan, Bennett & Dorman LLP, counsel of record for plaintiff Acacia Media Technologies Corporation in this case. I have personal knowledge of the facts stated herein and, if called as a witness, I could and would testify competently thereto.

2. On October 10, 2008 I requested defendants' agreement to the relief sought in this motion. .

3. On October 14, 2008 Benjamin Hershkowitz communicated defendants' refusal to agree to the relief requested by this motion.

4. I am one of the attorneys for Acacia who is responsible for the preparation of Acacia's opposition to defendants' Motions for Summary Judgment on the Section 112 issues (the "Motion"). Presently, Acacia's draft of its opposition (which addresses all issues set forth in defendants' Motions) is over 140 pages long.

5. Defendants did not submit with their Motion any expert testimony addressing the understanding and knowledge of one of ordinary skill in the art in January 1991, when the Yurt patents were filed. Acacia, however, will be submitting a detailed expert declaration addressing the knowledge of one of skill in the art and the understanding obtained from the specification for every component described therein.

6. Acacia's opposition and expert declarations are not yet complete, and, to meet the October 24, 2008 deadline, Acacia will still need to expend a significant amount of money. At least two of Acacia's attorneys will need to work full time on the opposition, and Acacia's expert, who

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has already spent over two weeks in Los Angeles working full time with the attorneys, will need to be in Los Angeles for another week to work full time on his declaration.

I declare under penalty of perjury under the laws of the United States that the following is true and correct.

Executed this 14th day of October, 2008, at Los Angeles, California.

/s/ Alan P. Block
Alan P. Block

PROOF OF SERVICE

I declare as follows:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 865 South Figueroa Street, Suite 2900, Los Angeles, California 90017.

On October 14, 2008, I served a copy of the within document described as **DECLARATION OF ALAN P. BLOCK IN SUPPORT OF PLAINTIFF ACACIA MEDIA TECHNOLOGIES CORPORATION'S MOTION FOR ADMINISTRATIVE LEAVE TO VACATE THE OPPOSITION AND REPLY DATES RE DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT ON SECTION 112 ISSUES** on the interested parties in this action by transmitting via the Electronic Case Filing Program of the United States District Court for the Northern District of California, the document listed above by uploading the electronic file for the above listed document on this date. The ECF Program will send an e-notice of the electronic filing to the parties listed on the attached Service List.

I also placed the document listed above in a sealed envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a FedEx agent for Delivery as follows:

Chambers of the Hon. James Ware
Attn: Regarding Acacia Litigation
280 South First Street
San Jose, CA 95113
3 copies

Executed on October 14, 2008 at Los Angeles, California.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

/S/ Lisa McCorry
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